

Decision 16-01-007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of TLC Transportation & Tours LLC, (PSG28589) for a Certificate of Public Convenience and Necessity to operate as an on call Passenger Stage corporation to transport passengers and their baggage between points in the Counties of Orange, Los Angeles, San Diego, Kern, Alameda, Fresno, Sacramento, Santa Clara and San Francisco; and to establish a Zone of Rate Freedom.

Application 15-06-021
(Filed June 30, 2015)

**EXECUTIVE DIRECTOR ORDER GRANTING
APPLICATION**

Summary

This decision grants the application of TLC Transportation & Tours LLC, a California Limited Liability Company, pursuant to Pub. Util. Code § 1031 et seq., for a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226, and to establish a Zone of Rate Freedom, pursuant to Pub. Util. Code § 454.2. This application was filed pursuant to the procedures adopted in Decision (D.)15-05-029.

Discussion

TLC Transportation & Tours LLC (Applicant), requests authority to operate as an on-call Passenger Stage Corporation (PSC) to transport passengers and their baggage between points in the counties of Orange, Los Angeles, San Diego, Kern, Alameda, Fresno, Sacramento, Santa Clara and San Francisco, and

the Los Angeles (LAX) and the John Wayne (SNA) International Airports. Applicant states it intends to provide service to the general public, in particular to Asian families and businesspeople..

Applicant holds a Transportation Charter-Party (TCP) carrier permit PSG-28589 conducting both charter and roundtrip sightseeing tours. Applicant proposes PSC operations with an initial fleet of four 56-passenger vans.

The balance sheet submitted by Applicant shows assets of \$877,118, liabilities of \$840,776, with a net worth of \$36,342.

Proposed single adult fares are \$40 one-way and \$80 round-trip. Applicant requests authority to establish a Zone of Rate Freedom (ZORF) of \$20 above and below any of the proposed fares; however, Ordering Paragraph (O.P.) 11 of D. 15-05-029 limits fare adjustments to no more than 15 percent of the initial fares. In the case of the \$40 fare, \$20 would be 50%. Hence we will limit the ZORF to 15%. Applicant will compete with other PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in the service area. This highly competitive environment should result in Applicant pricing her services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on July 2, 2015. Applicant served copies of the application on the regional public transit authorities in the involved area and the two airports.

Since the proposed service will reduce the number of vehicles on the public highways in between points in the counties Orange, Los Angeles, San Diego, Kern, Alameda, Fresno, Sacramento, Santa Clara and San Francisco, a California Environmental Quality Act review is not required because it can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

In Resolution ALJ 176-3360, dated July 23, 2015, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3360.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code §1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

Assignment of Proceeding

Elizaveta I. Malashenko is the assigned Examiner in this proceeding.

Findings of Fact

1. The application requests authority to operate as an on-call PSC to transport passengers and their baggage between points in the counties Orange, Los Angeles, San Diego, Kern, Alameda, Fresno, Sacramento, Santa Clara and San Francisco, and the Los Angeles (LAX) and the John Wayne (SNA) International Airports.
2. Public convenience and necessity requires the proposed service.

3. Applicant requests authority to establish a Zone of Rate Freedom (ZORF) of \$20 above and below any of the proposed fares. O.P. 11 of D. 15-05-029 limits fare adjustments to no more than 15 percent of the initial fares.

4. Applicant will compete with other PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in his operations.

5. No protest to the application has been filed.

6. The application complied with the PSC certification procedures adopted in D.15-05-029.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.

2. The Executive Director is authorized to sign, on behalf of the Commission, orders granting PSC certification in the process adopted in D.15-05-029.

3. A ZORF of 15% should be granted because the ZORF is fair and reasonable.

4. Before Applicant changes any fares under the ZORF authorized below, Applicant should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

5. Because the matter is uncontested, the decision should be effective on the date it is signed.

6. A public hearing is not necessary.

7. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

O R D E R**IT IS ORDERED** that:

1. A certificate of public convenience and necessity is granted TLC Transportation & Tours LLC, a California Limited Liability Company, authorizing it to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-28589, subject to the conditions contained in the following paragraphs.
2. TLC Transportation & Tours LLC, shall:
 - a. File a written acceptance of this certificate within 30 days after this decision is effective.
 - b. Establish the authorized service and file tariffs and timetables within 120 days after this decision is effective.
 - c. File tariffs on or after the effective date of this decision. The tariff shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
 - d. Comply with General Orders Series 101 and 158, and the California Highway Patrol safety rules.
 - e. Comply with the Commission's controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
 - f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.
 - g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
 - h. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.

3. TLC Transportation & Tours LLC, is authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom of 15% above and below proposed fares.

4. TLC Transportation & Tours LLC, shall file a zone of rate freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. TLC Transportation & Tours LLC, may make changes within the zone of rate freedom by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, TLC Transportation & Tours LLC, shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. TLC Transportation & Tours LLC, (Applicant), is authorized to begin operations on the date that the Safety and Enforcement Division mails a notice to applicant that her evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the California Highway Patrol has approved the use of applicant's vehicles for service.

8. Before beginning service to Los Angeles International Airport (LAX), and the John Wayne International Airport (SNA), TLC Transportation & Tours LLC, (Applicant), shall notify each airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

9. The Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation (PSC)- 28589 granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The Application is granted as set forth above.

11. This proceeding is closed.

This decision is effective today.

Dated January 5, 2016, at San Francisco, California

/s/ TIMOTHY J. SULLIVAN

Timothy J. Sullivan

Executive Director

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-28589

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

TLC Transportation & Tours LLC, a California Limited Liability Company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis between the points described in Section II, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. Points in the counties of Orange, Los Angeles, San Diego, Kern, Alameda, Fresno, Sacramento, Santa Clara and San Francisco.
- B. Los Angeles International Airport (LAX), and the John Wayne International Airport (SNA).

SECTION III. ROUTE DESCRIPTIONS

Commencing from any point described in Section IIA, then over the most convenient streets and highways to any airport described in Section IIB.